

17945. Misbranding of U-Ta-Ka Indian tonic. U. S. v. 17 Bottles of U-Ta-Ka Indian Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25169. I. S. No. 19654. S. No. 3422.)

Examination of a drug product, known as U-Ta-Ka Indian tonic, from the herein-described shipment having shown that the labels represented the article to possess certain curative and therapeutic properties which it did not possess, also that it was represented to be an Indian remedy and to be made from herbs, roots, barks, and berries, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On or about September 26, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 bottles of U-Ta-Ka Indian tonic at Rosebud, Tex., alleging that the article had been shipped by the National Medicine Co., from Nashville, Tenn., on or about May 3, 1930, and had been transported from the State of Tennessee into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, extracts of plant drugs including a laxative drug, sodium benzoate, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements, "The Great Indian Medicine," "Indian Tonic," and the design of an Indian, appearing upon the labeling, were misleading, since the article contained drugs unknown to the Indians; and for the further reason that the statement upon the carton wrapper, "Made of herbs, roots, barks and berries," was false and misleading. Misbranding was alleged for the further reason that the following statements borne on the bottle label and carton wrapper, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Highly recommended for disorders of the stomach, kidneys, blood such as indigestion and nervous run down condition, loss of appetite, weak back, and pains through the body." (carton wrapper) "For the stomach, kidneys, liver and blood * * * Tonic * * * Recommended for the stomach, liver, kidneys, and blood, such as indigestion, dyspepsia, * * * piles, catarrh of the stomach, rheumatism, nervous, run-down system, weak back, pains throughout the body, blind or dizzy spells, loss of appetite, etc. * * * It is a good preparation for all such troubles and complaints such as indigestion * * * nervous run-down condition, weak back, pains through the body, etc."

On December 13, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17946. Misbranding of Osmo Kaolin. U. S. v. 27 Packages of Osmo Kaolin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25648. I. S. No. 5738. S. No. 3914.)

Examination of samples of an alleged drug product, known as Osmo Kaolin, from the herein-described lot having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 packages of Osmo Kaolin at San Juan, P. R., alleging that the article was being offered for sale and sold in Porto Rico, by J. M. Blanco (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of clay.

It was alleged in the libel that the article was misbranded in that the following statements appearing upon the label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Internal * * * is invaluable in the treatment of disorders arising from intestinal infections by bacteria, the toxins of which it has the power of absorbing to a remarkable degree. In this manner the elimination of these